## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:19-cv-00593-FDW

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)	<u>ORDER</u>
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**THIS MATTER** is before the Court upon Petitioner Leonardo Roque's pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, challenging his 2015 state judgment. (Doc. No. 1.) Petitioner already has a § 2254 habeas action pending in this Court, challenging that same judgment. See § 2254 Pet., Roque v. Stein, No. 3:18-cv-00459-FDW (W.D.N.C. filed Aug. 21, 2018), Doc. No. 1.

**IT IS, THEREFORE, ORDERED** that the Clerk of Court shall docket the instant § 2254 Petition (Doc. No. 1) as an Amended § 2254 Petition in Civil Case No. 3:18-cv-00459-FDW. Thereafter, the Clerk of Court shall close and terminate this civil action.

**IT IS FURTHER ORDERED** that Petitioner Leonardo Roque may disregard the November 6, 2019 Deficiency Notice requiring him to pay the \$5.00 fee or submit an application to proceed without payment of fees and affidavit.

Signed: November 7,

Frank D. Whitney

Chief United States District Judge